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January 28, 2015

BY HAND AND ECF

The Honorable Naomi Reice Buchwald  
United States District Court for the Southern District of New York  
United States Courthouse  
500 Pearl Street  
New York, NY 10007-1312

Re: *In re LIBOR-Based Financial Instruments Antitrust Litigation*, No. 11-md-2262 (NRB)

Dear Judge Buchwald:

We write as liaison counsel for the pending class action cases with respect to the Supreme Court's January 21, 2015 decision in *Gelboim v. Bank of America*, 574 U.S. \_\_\_ (2015). In light of *Gelboim*, several of the plaintiff classes respectfully request that the Court lift the stay in their respective cases for the purpose of entering judgment on their antitrust claims, so that they may join the pending *Gelboim* appeal before the Second Circuit. We note that this is similar to the request that the OTC and Exchange-Based Classes made last week to grant a request for a partial judgment under Fed. R. Civ. P. 54(b) in light of *Gelboim* (Dkt. No. 996).

Like the plaintiff in *Gelboim*, the plaintiff classes listed below assert a Federal antitrust cause of action against the defendants, arising from the defendants' alleged collusion with respect to LIBOR. Those classes listed in category (a) have, like the plaintiffs in *Gelboim*, solely asserted antitrust claims, and thus request that a final judgment pursuant to 28 U.S.C. §1291 be entered. Those classes listed in category (b) request that a partial judgment pursuant to Rule 54(b) be entered, similar to the request made by the OTC and Exchange-Based Classes.

We also write to inform the Court that the Second Circuit has set a briefing schedule in *Gelboim v. Bank of Am. Corp.* Absent an extension, the brief for

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appellants will be due March 9, 2015 and briefing will be completed by May. In light of this expedited schedule, we respectfully request that the issues raised in this letter, and the previous letter on Rule 54(b) relief for the OTC and Exchange-Based Classes, be addressed on or before the upcoming February 5, 2015 conference scheduled in this matter.

(a) Classes Requesting Lift of Stay and Entry of Final Judgment Pursuant to 28 U.S.C. §1291

1. *33-35 Green Pond Road Associates, LLC v. Bank of America Corporation, et al.*, No. 12-cv-5822-NRB
2. *Courtyard at Amwell II, LLC et al. v. Bank of America Corporation et al.*, 12-CV-6693-NRB

(b) Classes Requesting Lift of Stay and Entry of Partial Judgment Pursuant to Fed. R. Civ. P. 54(b)

1. *Los Angeles County Employees Retirement Association v. Bank of America Corp., et al.*, No. 13-cv-00398-NRB
2. *County of Riverside v. Bank of America Corp., et al.*, No. 13-cv-01135-NRB
3. *Guaranty Bank v. Credit Suisse et al.*, 13-cv-0346

We thank the Court for its attention to this matter, and are available to answer any questions that the Court may have.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Bill Carmody", with a stylized flourish at the end.

William Christopher Carmody  
SUSMAN GODFREY LLP

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A handwritten signature in blue ink, appearing to read "David Kovel". The signature is fluid and cursive, with a long horizontal stroke at the end.

David Kovel  
KIRBY MCINERNEY LLP

Cc: All Counsel (By ECF)